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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/376,017 08/19/99 YAMANE

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021323 TM02/0830
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EXAMINER

SALAD, A

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/376,017

Applicant(s)
Yamane et al

Examiner
Abdullahi Salad

Art Unit
2153



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Aug 19, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3, 4 and :

20) ☐ Other: _____

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DETAILED ACTION

1. This application has been reviewed. Original claims 1-20 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 8-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The subject matter “**calling script**” as recited in claims 8-11 was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shakib et al U.S.

Patent No. 5,812,793.

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As per claims 1 and 15, Shakib et al discloses a system for replicating changes in a source file set on a destination file system, comprising the steps of.

- identifying changes in a source file set (keeping track of locally made changes to a particular data set), (see col. 4, lines 25-38);
- storing the identified changes in a modification list (see the abstract, store and forward and col. 9, lines 55-67);
- transmitting the modification list to an agent having access to a destination file stem (see col. 14, lines 50-67 and col. 10, lines 34-44).

In considering claim 2, Shakib et al discloses a system, further comprising the step of:

transmitting the modification list to a server (replica node), (see col. 10, lines 34-44 and col. 14, lines 50-67).

In considering claims 3-4, and 6-7, Shakib et al discloses a system, wherein the identifying step comprises the steps of:

inspecting a set of files, comparing the set of files to an earlier-recorded set (see col. 13, lines 11-44);

installing a device driver to perform file operations and recording, by the device driver, changes to the source file set (inherent); and

receiving a manifest (list) describing changes to the source file set (see col. 9, lines 55-67).

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In considering claim 8, Shakib et al discloses a system, wherein the file attribute

comprises at least one attribute chosen from the set of file size, file permissions, file ownership, modification time, and a hash of the file (see col. 4, lines 50-65).

As per claim 12, Shakib et al discloses a system for replicating changes in a source file set on a destination file system, comprising the steps of.

- identifying changes in a source file set (keeping track of locally made changes to a particular data set), (see col. 4, lines 25-38);
- storing the identified changes in a modification list (see the abstract, store and forward and col. 9, lines 55-67);
- transmitting the modification list to an agent having access to a destination file stem (see col. 14, lines 50-67 and col. 10, lines 34-44);
- storing the changes in a second modification list (see the abstract, store and forward and col. 9, lines 55-67), comprising uniform resource locators (unique identifiers) specifying the changed files (see col. 4, lines 39-49);
- transmitting the second modification list to a computer (see col. 14, lines 50-67 and col 10, lines 34-44).

In considering claim 13, the computer as being a web cache sever is inherent.

In considering claim 14, the step of converting a first modification list to a second modification list is inherently disclosed by Shakib et al.'s system, where a replica node having a first

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modification list of changes may be reconciled with a second replica node having a second modification list.

As per claim 20, the claim includes features in claim 1 discussed above, further reciting:

transmitting the modification list to a plurality of web servers (plurality of replica nodes (see col. 14, lines 50-67).

In considering claims 16 and 17, The claims have similar scope as claims 1 and 15 and are rejected under the same rationale.

In considering claims 18 and 19, Shakib et al discloses a system, including:

identifying changes in a source file set (keeping track of locally made changes to a particular data set), (see col. 4, lines 25-38);

storing the identified changes in a modification list (see the abstract, store and forward and col. 9, lines 55-67);

transmitting the modification list to an agent having access to a destination file stem (see col. 14, lines 50-67 and col. 10, lines 34-44).

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is (703) 308-8441. The examiner can normally be reached on Monday to Friday from **8:30AM to 5:00PM**. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Glen Burgess**, can be reached at **(703)305-4792**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

AS

8/23/2001



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
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